

A Regular Meeting of the Marilla Town Board was held June 9, 2005 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Warren Handley, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

Communications were received and read from:

- a. Residents Sandy and Paul Grunzweig requested the Town to repair the sidewalk in front of 1717 Two Rod Road (blue apartment building).

### **Committee Reports**

Highway Superintendent Dave Pierce reported that roadsides are mowed on all Town roads. The new shelter in the Park has been stained, the concrete floor has been poured and looks good, the grading has been done and it's been hydro seeded. We've been watering it every day.

Supervisor Foss asked the Highway Superintendent to look at the sidewalk problem on Two Rod Road and give the Town Board recommendations.

Councilman Spanitz reported that the next Planning Board Meeting will be held June 16<sup>th</sup> at 7:00 p.m. in the Town Hall. They will meet with the Town Board to discuss Flag lots. The Stolle Road Golf Course is still waiting for funds from the Government.

Councilman Handley reported that on Sunday June 12<sup>th</sup> they will have the time capsule dedication at 1:45 p.m., a Glenn Colton concert at 2:00 p.m., immediately following the concert, the Friends of the Library will sell root beer floats and at 3:00 p.m. the Library will sponsor Anne Marie Jason, Storyteller.

Councilman Specht reported that the fire service award check was written and sent. He has received quotes on a new computer for the Assessors and a lap top for the Justice Court. He stated that July 9<sup>th</sup> the Marilla Methodist Church is sponsoring the Bike for Ben to benefit the Independence Foundation, and the car show will be held on July 31<sup>st</sup> and the Civil War Re-enactment will be held at the Town Park on the first weekend in August.

Supervisor Foss reported that the town received the snow plow check from the County that was due in April and we also received the County snow plow agreement for the next two years contingent upon the County getting its budget under control. He also reported that the Town Board has had many discussions about the Berner Golf Course mostly over the number of houses being considered. The Town Board will be sending the Golf Course to the Planning Board for consideration and will be on the agenda for July 21<sup>st</sup>. Nothing will happen until we have the Planning Board recommendations and Public Hearings. The Handy Golf Course is steadily moving forward but from his experience the government moves slowly.

### **Open Board Presentations From the Public**

None

**Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Regular Board Meeting held on 5/12/05, the bid opening held on 5/19/05 and the Special Meeting held on 5/24/05.  
Motion Carried.

**New Business**

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution concerning the Home Rule and Cable Television Franchising:

**ON BEHALF OF** the Town of Marilla and its 6000 residents, I urge you to affirm the principles of home rule and the franchising authority of municipalities in the state of New York. In the proceeding currently pending before the New York Public Service Commission regarding the authority of a telephone company to construct a cable system without a franchise, the Town urges the Commission confirm that any party constructing a cable system in a local community – including Verizon Communications – be required to obtain a franchise from the Town **prior to** constructing and operating that system. This authority is essential to protecting important community interests, including:

- Safe construction practices;
- Indemnity and insurance protections;
- Anti-redlining protections;
- Adherence to existing cable customer service standards;
- Provisions pertaining to public, educational, and government channels;
- Preservation of aesthetic characteristics of neighborhoods;
- Capital contributions commitments for local programming; and
- Franchise fee payments.

Our Town welcomes competition in the voice, video and data services market. Verizon can easily and quickly secure the necessary franchise agreement to permit it to deploy and operate a cable system in our community by taking advantage of new cable regulations that provide for the review and approval of a new cable franchise in no more than 30 days. Clearly, there is no reason why franchising requirements need slow down deployment of Verizon's cable systems.

In addition, we ask the Commission to create a vehicle by which an open, fair and comprehensive discussion of this critical issue be conducted and brought directly to the local governments and the communities it will impact. We would suggest a series of public forums or information sessions much like you have conducted with other cable-related issues.

We thank you for your consideration and look forward to your reply.  
Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the purchase of playground equipment for the town park at a cost of \$5,500 from Alden Pools. Motion Carried.

Supervisor Foss stated that funds were donated to the Town from the Myron Darbee Estate approximately \$10,000, we will use the remaining funds to purchase benches and waste receptacles for the Memorial Park Pavilion area.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the following resolution:

WHEREAS, the Town of Marilla has participated in the Stop DWI Program with Erie County for a number of years; and

WHEREAS, Erie County has submitted a proposed agreement for the Year 2005; and

WHEREAS, the Town Board believes the program is in the best interest of the Town of Marilla and its residents.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby approve the Stop DWI Contract with Erie County for the Year 2005, a copy of which is attached hereto and made a part hereof.
2. The Supervisor is hereby authorized to sign said agreement and return it to Erie County.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on June 9, 2005 the results of which were as follows:

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Foss - Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following Resolution:

**WHEREAS**, the Town of Marilla is pleased to take this opportunity to congratulate newly activated Roycroft Campus Corporation (RCC) for their efforts to launch a financially sustainable, not-for-profit entity to ultimately fund the acquisition and restoration of the nationally acclaimed Roycroft Campus in East Aurora, New York.

**WHEREAS**, the historic Roycroft Campus was designated as a National Historic Landmark in 1986 and was placed by the National Trust for Historic Preservation on its “11 Most Endangered Places” list of historic properties in 1989.

**WHEREAS**, the RCC board is a group of committed community volunteers that has pledged to organize a \$2 million fundraising effort to fully restore the Copper Shop as a microcosm of our community’s collective vision for the projected \$50 million Campus restoration project.

**WHEREAS**, the RCC intends to preserve and promote the ideals, traditions, architectural legacy and business skills of Elbert Hubbard and the Roycrofters through the acquisition and restoration of the remaining Roycroft Campus buildings and grounds.

**WHEREAS**, this important regional economic development project could ultimately create as many as 300 jobs, foster innovative educational programs, encourage and support artisans, as well as expand a compelling tourism effort which could bring more than 100,000 tourists to East Aurora each year.

Now, Therefore, Be It

**RESOLVED**, that the Town of Marilla hereby joins the Roycroft Campus Corporation in its efforts to secure state and federal funds for the restoration of the historic Copper Shop, and be it further

**RESOLVED**, that the Town of Marilla hereby calls upon the Western New York Congressional Delegation to support the Roycroft Campus Corporation’s request to identify and secure FY06 federal funds

in the amount of \$1 million through a Department of Interior Save America's Treasures Appropriation in order to restore the Roycroft Campus' Copper Shop, and be it further

**RESOLVED** that a certified copy of this resolution be forwarded to members of the Western New York Congressional Delegation, the Town of Aurora and the Roycroft Campus Corporation.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Councilman Specht - Aye

Supervisor Foss - Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the following Resolution:

**WHEREAS**, the Town of Marilla is pleased to take this opportunity to congratulate newly activated Roycroft Campus Corporation (RCC) for their efforts to launch a financially sustainable, not-for-profit entity to ultimately fund the acquisition and restoration of the nationally acclaimed Roycroft Campus in East Aurora, New York.

**WHEREAS**, the historic Roycroft Campus was designated as a National Historic Landmark in 1986 and was placed by the National Trust for Historic Preservation on its "11 Most Endangered Places" list of historic properties in 1989.

**WHEREAS**, the RCC board is a group of committed community volunteers that has pledged to organize a \$2 million fundraising effort to fully restore the Copper Shop as a microcosm of our community's collective vision for the projected \$50 million Campus restoration project.

**WHEREAS**, the RCC intends to preserve and promote the ideals, traditions, architectural legacy and business skills of Elbert Hubbard and the Roycrofters through the acquisition and restoration of the remaining Roycroft Campus buildings and grounds.

**WHEREAS**, this important regional economic development project could ultimately create as many as 300 jobs, foster innovative educational programs, encourage and support artisans, as well as expand a compelling tourism effort which could bring more than 100,000 tourists to East Aurora each year.

Now, Therefore, Be It

**RESOLVED**, that the Town of Marilla hereby joins the Roycroft Campus Corporation in its efforts to secure state and federal funds for the restoration of the historic Copper Shop, and be it further

**RESOLVED**, that the Town of Marilla hereby calls upon the members of the Western New York State Delegation to support the Roycroft Campus Corporation's request to identify and secure \$500,000 in State funds in order to restore the Roycroft Campus' Copper Shop, and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to members of the Western New York Assembly and Senate State Delegation, the Town of Aurora and the Roycroft Campus Corporation.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Foss - Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

**WHEREAS**, the President of the United States in Homeland

Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of the cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, Local and Tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, Local and Tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the Town of Marilla's ability to utilize funding to enhance local readiness, maintain first responder safety and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended the adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA

1. That the Town of Marilla does hereby establish the National Incident Management (NIMS) as the standard for the Town of Marilla for incident management.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Marilla held on June 9, 2005, the results of which

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Deputy Supervisor Specht - Aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve Allied Sportsmen of Western New York, Inc. to change the date for extended hours for a shooting clinic for the Eastern Paralyzed Veteran's Association from June 19<sup>th</sup> to Friday June 24<sup>th</sup>, 2005 from 2:00 p.m. to 9:00 p.m.. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Roger Gustavel to the Conservation Advisory Board as an alternate. Motion Carried.

**Report of Town Officials**

Building Inspector John Fronczek submitted a written report with 18 building applications received with fees totaling \$1,777.00, 18 building permits issued with a total value of \$1,105,250.00, 10 inspections were made and no complaints were received for the month of May 2005. The Code Enforcement log indicates a total 169 activities.

Planning Board Member Rich Janiga stated that the minutes are posted and they will be meeting Monday June 16, for a work session and their next meeting will be June 16, 2005 at 7:00 p.m., they will be meeting with the Town Board to discuss Flag lots.

The Conservation Advisory minutes have been received and posted.

George Gertz reported for the Marilla Fire Company that the Firemen’s Carnival started tonight and will run through the 11<sup>th</sup> . The parade will be at 5:00 p.m. on Saturday, the owner of the ride company is donating a portion of tonights proceeds to the mother of the young girl that was killed in the accident on Four Rod and Bullis Road. He stated that he is still getting questions about Rural Metro ambulance service. For the record two recent calls the outcome may have been different without the quick response from both the Fire Company and Rural Metro. The fatal accident on Bullis and Four Rod because of the quick response from the Fire Company and Rural Metro and Mercy Flight that young girl had every chance that was medically possible. The lapse time from the time of alert to the victim reaching ECMC was 34 minutes.

**Open Board Presentations**

Councilman Specht stated that over the last few months he has received numerous letters dealing with flag lots and zoning he would appreciate residents signing them so he can respond. He also commented that Grant Hamilton of the East Aurora Advertiser wrote an editorial stating “Be Careful What You Do or Don’t Ask For” he wished people would read it. If you took a bunch of little bills without looking at your budget and spent them, you would be in the same situation as the county.

Supervisor Foss commented that we now know what the deficit of the County is and they are hopefully going to balance the situation off. He is afraid the Towns and Villages are going to get burnt somewhere. He has seen the ads on TV by Mr. Giambra trying to promote his image, if he would see what we are doing in the Towns and Villages. We are the rock that the County is currently sitting on that is solid and safe. The biggest government in the County is the one that failed, not the small governments. Most towns set aside a solid amount of reserves to handle tough situations.

- Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:
- |                                       |              |
|---------------------------------------|--------------|
| General Fund Claims, Vouchers 189-245 | \$ 20,387.81 |
| Highway Fund Claims, Vouchers 100-113 | \$ 9,217.08  |
| Special Districts                     |              |
| Sanitation (SR), Vouchers 52-58       | \$ 8,104.67  |
| Special Fire Voucher 4                | \$ 28,773.12 |
| Water District #2, Vouchers 13-16     | \$ 2,971.95  |
| Water District #3 Vouchers 5-6        | \$ 5,929.40  |
| Water District #4 Voucher 5           | \$ 817.40    |
| Community Develop. PACE Voucher 2     | \$ 160.00    |
| Community Develop. HUD                | \$ .00       |
- Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 7:55 p.m. Motion Carried.

Respectfully submitted,

\_\_\_\_\_Town Clerk

\_\_\_\_\_Supervisor

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman

\_\_\_\_\_Councilman